

HOUSE BILL NO. 4198

February 10, 2021, Introduced by Rep. Hornberger and referred to the Committee on Health Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1176. (1) For a pupil for whom a vision screening test or
2 examination described in section 1177(2) demonstrates that the
3 pupil has a vision deficiency; a pupil identified as a struggling
4 reader by his or her teacher, the superintendent or chief
5 administrator, or a school counselor; a pupil recommended for

1 evaluation to determine if he or she is a student with a disability
2 due to reading difficulties; a pupil with an individualized
3 education program or section 504 plan; a pupil who is in the
4 process of receiving an individualized education program or section
5 504 plan; or a pupil who failed to achieve a score of at least
6 proficient on the applicable grade-level state assessment for
7 English language arts, both of the following apply:

8 (a) If the pupil has not passed a comprehensive eye and vision
9 examination within the 24 months immediately preceding the date
10 that the pupil becomes subject to this subsection, 10 days after
11 the pupil becomes subject to this subsection, the school district
12 or public school academy in which the pupil is enrolled shall
13 provide written notice to the pupil's parent or legal guardian that
14 strongly recommends that the pupil receive a comprehensive eye and
15 vision examination within 60 days of receipt of the notice
16 described in this subdivision.

17 (b) After receiving a notice under subdivision (a), the
18 pupil's parent or legal guardian may ensure that the pupil receives
19 a comprehensive eye and vision examination as recommended in the
20 notice.

21 (2) Subject to all other state and federal laws, within 30
22 days after conducting a comprehensive eye and vision examination on
23 a pupil for whom a notice was issued under subsection (1), an eye
24 care professional shall submit to the school district or public
25 school academy in which the pupil is enrolled a certificate signed
26 by the eye care professional that includes all of the following:

27 (a) An acknowledgement that the pupil received the
28 comprehensive eye and vision examination.

29 (b) A statement indicating whether the eye care professional

1 recommends vision correction, vision therapy, or other treatment
2 for the pupil.

3 (c) If treatment is recommended for the pupil under
4 subdivision (b), a confirmation that the pupil's parent or legal
5 guardian has complied with, or is in the process of complying with,
6 the treatment recommendation.

7 (3) If a school district or public school academy does not
8 receive a certificate under subsection (2) for a pupil for whom a
9 notice was issued under subsection (1) by not later than 100 days
10 after the pupil became subject to subsection (1), the school
11 district or public school academy shall do both of the following:

12 (a) Submit a report to the department, in a form and manner
13 prescribed by the department, that identifies the number of pupils
14 for whom a notice was issued under subsection (1) who are enrolled
15 in the school district or public school academy and for whom a
16 certificate under subsection (2) has not been received as of the
17 date of the report.

18 (b) Take appropriate steps, as determined by the board of the
19 school district or board of directors of the public school academy,
20 to encourage the pupil's parent or legal guardian to take the pupil
21 to receive a comprehensive eye and vision examination.

22 (4) As used in this section:

23 (a) "Comprehensive eye and vision examination" means an
24 examination that has an emphasis on visual functioning, including,
25 but not limited to, refractive, accommodative, binocular, and
26 saccadic eye movement, and convergence sufficiency conducted by an
27 eye care professional.

28 (b) "Eye care professional" means a physician licensed under
29 either part 170 of the public health code, 1978 PA 368, MCL

1 333.17001 to 333.17097, or part 175 of the public health code, 1978
2 PA 368, MCL 333.17501 to 333.17556, who specializes in
3 ophthalmology, or an optometrist licensed under part 174 of the
4 public health code, 1978 PA 368, MCL 333.17401 to 333.17437.

5 (c) "Individualized education program" means that term as
6 described in R 340.1721e of the Michigan Administrative Code.

7 (d) "Section 504 plan" means a plan under section 504 of title
8 V of the rehabilitation act of 1973, 29 USC 794.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.